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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

JACQUELINE M. SANCHEZ,

Defendant and Appellant.

D048915

(Super. Ct. No. SCN207837)

APPEAL from a judgment of the Superior Court of San Diego County, John S. Einhorn, Judge. Affirmed.

A jury convicted Jacqueline M. Sanchez of possessing a controlled substance for sale (Health & Saf. Code, § 11378) and possessing a controlled substance (Health & Saf. Code, § 11377, subd. (a)). The court suspended imposition of sentence and placed her on three years' probation including a condition she serve 365 days in custody. The record does not include a certificate of probable cause. (Cal. Rules of Court, rule 8.304(b).)

FACTS

Viewing the record in the light most favorable to the judgment below (*People v. Johnson* (1980) 26 Cal.3d 557, 576), the following occurred. Around 12:15 a.m. on February 21, 2006, Deputy Sheriff Darin Smith was on patrol in Vista when he saw the brake lights flash on a car parked on the street. No other car lights were on. Smith illuminated the parked car with his spotlight because it was unusual for cars to park on the street in the area. A male and Sanchez alighted from the parked car, the male from the driver's door and Sanchez from the passenger door. The male walked down the street and Sanchez walked in the same direction on some ice plant. Smith asked Sanchez and her companion to return to the car. They complied with the request. Smith did not see either discard narcotics. Sanchez, who said she was the owner of the car, gave Smith permission to search the car. He found a backpack that contained a digital scale with white residue Smith suspected was methamphetamine and a pad that appeared to be pay and owe tabulations. Smith found a purse that contained \$387 and a pay check stub in Sanchez's name.

Smith searched the ice plant where Sanchez had walked and found four plastic bags containing a total of 23.3 grams of methamphetamine. Near the passenger door on the street, the deputy found two glass "meth pipes" and a paper bag that contained a zip-lock baggie containing a white substance. A detective called as an expert on narcotics testified that based on quantity and the method of packaging of the contraband found, it was his opinion that the methamphetamine was packaged for sale. In Sanchez's

residence, the detective found narcotics paraphernalia, a digital scale, additional plastic bags, and what may have been pay and owe records.

Sanchez testified. She denied possessing the methamphetamine for the purpose of sale. She testified that when the deputy approached the car, the driver threw the baggies of methamphetamine to her and asked her to get rid of them. She took the drugs and discarded them in the ice plant. She testified that she hid the drugs so the deputy would not find them. Regarding the items found in her home, she testified that she had roommates and she kept jewelry in the plastic bags. She denied the paraphernalia found in the apartment was hers.

DISCUSSION

Appointed appellate counsel has filed a brief setting forth the evidence in the superior court. Counsel presents no argument for reversal but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436. Pursuant to *Anders v. California* (1967) 386 U.S. 738, counsel refers to as possible but not arguable issues: (1) whether the trial court in refusing to exclude evidence of drug paraphernalia found in Sanchez's home; (2) whether the trial court erred in failing to sua sponte instruct the jury on momentary possession of a controlled substance; and (3) whether sufficient evidence supported the jury finding that Sanchez had the intent to sell the controlled substance.

We granted Sanchez permission to file a brief on her own behalf. She has not responded. A review of the entire record pursuant to *People v. Wende, supra*, 25 Cal.3d 436, including the possible issues referred to pursuant to *Anders v. California, supra*, 386

U.S. 738, has disclosed no reasonably arguable appellate issue. Competent counsel has represented Sanchez on this appeal.

DISPOSITION

The judgment is affirmed.

HALLER, J.

WE CONCUR:

HUFFMAN, Acting P. J.

O'ROURKE, J.